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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No.: CR 16-00115 WHA
)	
Plaintiff,)	STIPULATION AND PROPOSED
v.)	PROTECTIVE ORDER RE: DISCOVERY
)	
ROBERT COLE FUHRMAN,)	
)	
Defendant.)	
)	
)	

With the agreement of the parties, and with the consent of the defendant, the Court enters the following Order:

Defendant Robert Cole Fuhrman is charged in a four-count indictment with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1); illegal possession of a machine gun, in violation of 18 U.S.C. § 922(o); possession of an unregistered firearm, in violation of 26 U.S.C. § 5861(d); and obliteration of a serial number, in violation of 26 U.S.C. § 5861(g). Pursuant to the defendant's request, the United States will produce copies of audio and video recordings of the

1 defendant (the "RECORDINGS") to defense counsel, in lieu of making them available for review only,
2 pursuant to the following restrictions:

3 1. Except when being actively examined for the purpose of the preparation of the defense of the
4 defendant, the RECORDINGS shall be maintained in a locked, safe, and secure drawer, cabinet, or safe
5 or password-protected electronic device (e.g., computer, memory stick), which is accessible only to
6 defense counsel, members of his law office who are working with him to prepare the defendant's
7 defense, and his investigator(s). Defense counsel, members of his office, the defendant, and the
8 investigator(s) shall not permit any person access of any kind to the RECORDINGS except as set forth
9 below.

10 2. The following individuals may examine the RECORDINGS for the sole purpose of preparing
11 the defense of the defendant and for no other purpose:

- 12 a) Counsel for the defendant;
13 b) Members of defense counsel's law office or other individuals working with
14 defense counsel who are assisting with the preparation of the defendant's defense;
15 c) The defendant, but only in the presence of defense counsel or another
16 authorized person listed in this paragraph. The defendant may not take or
17 maintain the RECORDINGS or copies thereof; and
18 d) Investigators retained by the defendant to assist in the defense of this matter.

19 If defense counsel determines that additional persons are needed to review the RECORDINGS,
20 defense counsel must obtain a further order of the Court before allowing any other individual to review
21 the materials.

22 3. A copy of this Order shall be maintained with the RECORDINGS at all times.

23 4. All individuals, other than defense counsel and the defendant, who receive access to the
24 RECORDINGS, prior to receiving access to the materials, shall sign a copy of this Order acknowledging
25 that:

- 26 a) they have reviewed the Order;
27 b) they understand its contents;
28

- 1 c) they agree that they will only access the RECORDINGS and information for
2 the purposes of preparing a defense for the defendant; and
3 d) they understand that failure to abide by this Order may result in sanctions by
4 this Court.

5 Counsel for the defendant shall either (1) send signed copies of the Order to counsel for the
6 United States or (2) file signed copies of the Order, ex parte and under seal. The United States shall
7 have no access to the signed copies filed under seal without further order of the Court.

8 5. No other person may be allowed to examine the RECORDINGS without further order of the
9 Court. Examination of the RECORDINGS shall be done in a secure environment which will not expose
10 the materials to other individuals not listed above.

11 6. The RECORDINGS may be duplicated to the extent necessary to prepare the defense of this
12 matter. Any duplicates will be treated as originals in accordance with this Order.

13 7. If the RECORDINGS are attached to any pleadings, the RECORDINGS shall be filed or
14 lodged under seal.

15 8. The defense team shall return the RECORDINGS (and any duplicate copies of the same) to
16 the United States fourteen calendar days after any one of the following events, whichever occurs latest
17 in time: dismissal of all charges against the defendant; the defendant's acquittal by court or jury; or the
18 conclusion of any direct appeal.

19 9. After the conclusion of proceedings in the district court or any direct appeal in the above-
20 captioned case, the United States will maintain a copy of the RECORDINGS. The United States will
21 maintain the RECORDINGS until the time period for filing a motion pursuant to 28 U.S.C. § 2255 has
22 expired. After the statutory time period for filing such a motion has expired, the United States may
23 destroy the RECORDINGS. In the event the defendant is represented by counsel and files a motion
24 pursuant to 28 U.S.C. § 2255, the United States will provide that counsel with a copy of the
25 RECORDINGS under the same restrictions as trial and direct appeal defense counsel. Defendant's
26 attorney in any action under 28 U.S.C. § 2255 shall return the same materials fourteen calendar days
27
28

1 after the district court's ruling on the motion or fourteen calendar days after the conclusion of any direct
2 appeal of the district court's denial of the motion, whichever is later.

3 IT IS SO STIPULATED.

4
5 DATED: August 25, 2016

_____/s/_____
GEOFFREY HANSEN
Attorney for Defendant Robert Cole Fuhrman


6
7
8 DATED: August 25, 2016

BRIAN J. STRETCH
United States Attorney

9
10 _____/s/_____
11 BRIAN R. FAERSTEIN
12 Assistant United States Attorney

13
14 IT IS ORDERED that disclosure of the above-described materials shall be restricted as set forth
15 above.

16 DATED: August 29, 2016.

17 
HONORABLE WILLIAM ALSUP
United States District Judge